

United States District Court  
STATE AND DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA

V.

JOSE GUILLEN

**CRIMINAL COMPLAINT**

Case Number: 11-MJ 442 FLN

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about October 20, 2011, in Hennepin County, in the State and District of Minnesota, defendant Jose Guillen possessed with the intent to distribute approximately 285.10 gross grams of a mixture or substance containing a detectable amount of cocaine, a controlled substance,

in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

I further state that I am a Special Agent and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

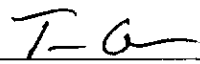
Sworn to before me, and subscribed in my presence,

Date

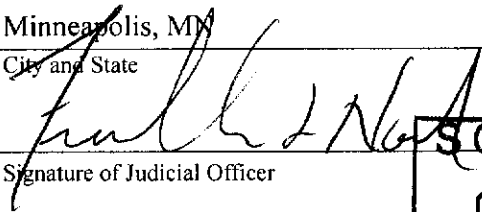
10/21/11  
The Honorable Franklin L. Noel  
UNITED STATES MAGISTRATE JUDGE

Name &amp; Title of Judicial Officer

at

  
Signature of Complainant  
Travis B. Ocken  
DEA

Minneapolis, MN  
City and State

  
Signature of Judicial Officer

SCANNED

OCT 21 2011

U.S. DISTRICT COURT MPLS

AFFIDAVIT OF TRAVIS OCKEN

I, Travis Ocken, being duly sworn under oath, state as follows:

1. I am a Special Agent with the Drug Enforcement Administration (DEA) and have been so employed since August 2009. I am currently assigned to the Minneapolis-St. Paul District Office, charged with investigating drug trafficking and money laundering violations under Titles 18 and 21 of the United States Code. I have received 16 weeks of specialized training in Quantico, Virginia pertaining to drug trafficking, money laundering, undercover operations, and electronic and physical surveillance procedures. Before becoming a DEA Agent, I was employed by the City of Lincoln, Nebraska Police Department for approximately five years. In my capacity as a DEA Agent, I am responsible for the enforcement of the laws of the United States of America, including laws relating to drug enforcement.

2. This Affidavit is submitted in support of a Complaint against Jose GUILLEN charging him with Possession with Intent to Distribute Cocaine in violation of 21 U.S.C. § 841(a)(1). The information set forth in this Affidavit is based on discussions I have had with other law enforcement agents, as well as my own personal knowledge.

3. Based on an investigation into the drug trafficking activities of Jose GUILLEN, agents conducted a controlled purchase of cocaine from GUILLEN in September 2011. Following the controlled purchase, I applied for a Search Warrant for (1) GUILLEN's residence, 2551 North East Grand Street, Minneapolis, Minnesota; (2) GUILLEN's place of employment, Z & N Auto Repair, 4056 Washington Avenue, Minneapolis, Minnesota; and (3) GUILLEN's motor vehicle, a green, 1999

Ford Expedition, Minnesota registration 055GDB. On October 13, 2011, the Application and Supporting Affidavit was presented to and signed by United States Magistrate Judge Janie S. Mayeron.

4. On October 20, 2011, at approximately 11:21 a.m., agents executed a Federal Search warrant at GUILLEN's place of employment, Z & N Auto Repair, 4056 Washington Avenue, Minneapolis, Minnesota. Upon executing the search warrant at the business, agents located GUILLEN standing in the north east work station, inside the business. Standing with GUILLEN was another individual, who advised agents that he was a customer who was getting service done to his vehicle. Additionally, agents located three other employees standing in the south end of the shop, and located the owner of the business in the office. Upon the business being secured, agents spoke with the owner, who stated that GUILLEN rented the north east work station inside the business, where GUILLEN worked on vehicles.

5. Agents then utilized a certified narcotics K-9 to conduct an open air sniff inside the business. While conducting the open air sniff of a black tool chest, located in the north east work station, the K-9 gave a positive alert for narcotics. Agents determined that the tool chest was locked and were unable to gain access without a key.

6. Agents next spoke with GUILLEN and identified themselves as Federal Agents. Agents advised GUILLEN that they had a Federal Search Warrant for the business. GUILLEN told agents he rented the north

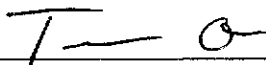
east work station inside the business. Agents then asked GUILLEN if he had a key for the black tool chest located in his work station. GUILLEN told agents that the key for the tool chest was in his right coat pocket. Agents located a key inside GUILLEN's right coat pocket that opened the tool chest. Inside the bottom drawer of the tool chest agents located approximately 285.10 gross grams of cocaine wrapped in green cellophane. The suspected cocaine later field tested positive for illegal narcotics. Based upon your affiant's training and experience, this is a distribution quantity of cocaine, far in excess of what one would possess for personal use.

7. GUILLEN was placed under arrest and was transported to the Drug Enforcement Administration Minneapolis District Office. Agents read GUILLEN his Miranda warnings from their DEA 13A Miranda card and GUILLEN waived his rights and agreed to speak with agents. GUILLEN stated that the cocaine located in the tool chest at the business belonged to him. GUILLEN stated that he obtained the cocaine this same day for the purpose of selling the cocaine.

8. On this same date, agents executed a search warrant on GUILLEN's residence, 2551 North East Grand Street, Minneapolis, Minnesota. As a result of the search warrant, agents located a locked tool chest inside the garage. Inside the tool chest agents located suspected drug paraphernalia and suspected cocaine residue. Inside the residence, agents located a digital scale and suspected drug packaging, inside the northwest bedroom nightstand.

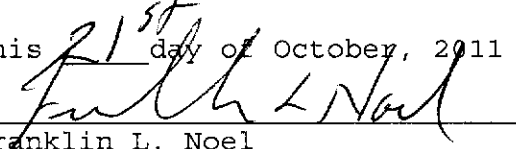
9. Based on the above information there is probable cause to believe that Jose GUILLEN has committed the offense of Possession with Intent to Distribute Cocaine, in violation of 21 U.S.C. 841(a)(1).

Further Your Affiant Sayeth Not.

  
Special Agent Travis B. Ocken  
Drug Enforcement Administration  
United States Department of Justice

SUBSCRIBED and SWORN to Before Me

This 21<sup>st</sup> day of October, 2011

  
Franklin L. Noel  
United States Magistrate Judge